

Part 5

Candidates not Affiliated with a Party

20A-9-501 Candidates not affiliated with a party -- General requirements.

- (1)
- (a) Candidates for public office who do not wish to affiliate with a registered political party may obtain a position on the ballot by following the procedures and requirements of this part.
 - (b) Upon compliance with the provisions of this part, the unaffiliated candidate is entitled to all the rights and subject to all the penalties of candidates selected by a registered political party.
- (2) A candidate who has filed a declaration of candidacy may not file a certificate of nomination as an unaffiliated candidate in the same year.
- (3) The courts shall construe this part liberally so as to give unaffiliated candidates for public office every reasonable opportunity to make their candidacy effective.

Amended by Chapter 21, 1994 General Session

20A-9-502 Certificate of nomination -- Contents -- Circulation -- Verification -- Criminal penalty.

- (1) The candidate shall:
- (a) prepare a certificate of nomination in substantially the following form:

"State of Utah, County of _____

I, _____, declare my intention of becoming an unaffiliated candidate for the political group designated as _____ for the office of _____. I do solemnly swear that I can qualify to hold that office both legally and constitutionally if selected, and that I reside at _____ Street, in the city of _____, county of _____, state of _____, zip code _____, phone _____, and that I am providing, or have provided, the required number of holographic signatures of registered voters required by law; that as a candidate at the next election I will not knowingly violate any election or campaign law; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot.

Subscribed and sworn to before me this _____(month\day\year).

Notary Public (or other officer
qualified to administer oaths)";
 - (b) bind signature sheets to the certificate that:
 - (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;
 - (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;
 - (iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate Certificate of Nomination Petition" printed directly below the horizontal line;
 - (iv) contain the word "Warning" printed directly under the words described in Subsection (1)(b)(iii);
 - (v) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination signature sheet with any name other than the person's own name or more than once for the

same candidate or if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the county clerk certifies the signatures.";

(vi) contain the following statement directly under the statement described in Subsection (1)(b)

(v):

"Each signer says:

I have personally signed this petition with a holographic signature;

I am registered to vote in Utah or intend to become registered to vote in Utah before the county clerk certifies my signature; and

My street address is written correctly after my name.";

(vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in Subsection (1)(b)(vi); and

(viii) be vertically divided into columns as follows:

(A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;

(B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

(C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of Registered Voter";

(D) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

(E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and

(F) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records.

If you choose not to provide it, your signature may not be certified as a valid signature if you change your address before petition signatures are certified or if the information you provide does not match your voter registration records."; and

(c) bind a final page to one or more signature sheets that are bound together that contains, except as provided by Subsection (3), the following printed statement:

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

I am a Utah resident and am at least 18 years old;

All the names that appear on the signature sheets bound to this page were signed by persons who professed to be the persons whose names appear on the signature sheets, and each of them signed the person's name on the signature sheets in my presence;

I believe that each has printed and signed the person's name and written the person's street address correctly, and that each signer is registered to vote in Utah or will register to vote in Utah before the county clerk certifies the signatures on the signature sheet.

(Signature) (Residence Address) (Date)".

(2) An agent designated to file a certificate of nomination under Subsection 20A-9-503(4) may not sign the form described in Subsection (1)(a).

(3)

(a) The candidate shall circulate the nomination petition and ensure that the person in whose presence each signature sheet is signed:

(i) is at least 18 years old;

(ii) except as provided by Subsection (3)(b), meets the residency requirements of Section 20A-2-105; and

- (iii) verifies each signature sheet by completing the verification bound to one or more signature sheets that are bound together.
 - (b) A person who is not a resident may sign the verification on a petition for an unaffiliated candidate for the office of president of the United States.
 - (c) A person may not sign the verification if the person signed a signature sheet bound to the verification.
- (4)
- (a) It is unlawful for any person to:
 - (i) knowingly sign a certificate of nomination signature sheet:
 - (A) with any name other than the person's own name;
 - (B) more than once for the same candidate; or
 - (C) if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the county clerk certifies the signatures; or
 - (ii) sign the verification of a certificate of nomination signature sheet if the person:
 - (A) except as provided by Subsection (3)(b), does not meet the residency requirements of Section 20A-2-105;
 - (B) has not witnessed the signing by those persons whose names appear on the certificate of nomination signature sheet; or
 - (C) knows that a person whose signature appears on the certificate of nomination signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state.
 - (b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.
- (5)
- (a) The candidate shall submit the petition and signature sheets to the county clerk for certification when the petition has been completed by:
 - (i) at least 1,000 registered voters residing within the state when the nomination is for an office to be filled by the voters of the entire state; or
 - (ii) at least 300 registered voters residing within a political division or at least 5% of the registered voters residing within a political division, whichever is less, when the nomination is for an office to be filled by the voters of any political division smaller than the state.
 - (b) In reviewing the petition, the county clerk shall count and certify only those persons who signed the petition with a holographic signature who:
 - (i) are registered voters within the political division that the candidate seeks to represent; and
 - (ii) did not sign any other certificate of nomination for that office.
 - (c) The candidate may supplement or amend the certificate of nomination at any time on or before the filing deadline.

Amended by Chapter 253, 2013 General Session

Amended by Chapter 317, 2013 General Session

20A-9-503 Certificate of nomination -- Filing -- Fees.

- (1) After the certificate of nomination has been certified, executed, and acknowledged by the county clerk, the candidate shall:
 - (a) between the second Friday in March and the close of normal office hours on the third Thursday in March of the year in which the regular general election will be held, file the petition in person with:
 - (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or a federal office; or

- (ii) the county clerk, if the office the candidate seeks is a county office; and
 - (iii) pay the filing fee; or
- (b) not later than the close of normal office hours on June 15 of any odd-numbered year, file the petition in person with:
 - (i) the municipal clerk, if the candidate seeks an office in a city or town;
 - (ii) the local district clerk, if the candidate seeks an office in a local district; and
 - (iii) pay the filing fee.
- (2)
 - (a) At the time of filing, and before accepting the petition, the filing officer shall read the constitutional and statutory requirements for candidacy to the candidate.
 - (b) If the candidate states that he does not meet the requirements, the filing officer may not accept the petition.
- (3)
 - (a) Persons filing a certificate of nomination for president of the United States under this section shall pay a filing fee of \$500.
 - (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for president or vice president of the United States:
 - (i) may file the certificate of nomination between the second Friday in March and the close of normal office hours on August 15 of the year in which the regular general election will be held; and
 - (ii) may use a designated agent to file the certificate of nomination.
 - (c) An agent designated to file the certificate of nomination may not sign the certificate of nomination form.
- (4) Notwithstanding the requirement in Subsection (1) to file a certificate of nomination in person, a person may designate an agent to file the certificate of nomination in person with the filing officer if:
 - (a) the person is located outside the state during the filing period because:
 - (i) of employment with the state or the United States; or
 - (ii) the person is a member of:
 - (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;
 - (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
 - (C) the National Guard on activated status; and
 - (b) the person communicates with the filing officer using an electronic device that allows the person and the filing officer to see and hear each other.

Amended by Chapter 317, 2013 General Session

20A-9-504 Unaffiliated candidates -- Governor.

- (1) Each unaffiliated candidate for governor shall, before July 1 of the regular general election year, select a running mate to file as an unaffiliated candidate for the office of lieutenant governor.
- (2) The unaffiliated lieutenant governor candidate shall, by July 1 of the regular general election year, file as an unaffiliated candidate by following the procedures and requirements of this part.

Enacted by Chapter 258, 1996 General Session

